

## DECLARATION

I, Yoshiyuki OHTSUKA of c/o 15-2, Hongo 1-chome, Bunkyo-ku, Tokyo  
113-0033, Japan do solemnly and sincerely declare

1. that I am well acquainted with both the English and Japanese languages, and
2. that the attached document is a true and correct translation of the relevant part of Reference Miyagawa et al., I.e. Yamanashi-ken Kogyo Gijutsu Center Kenkyuu houkoku No. 13 (1999).

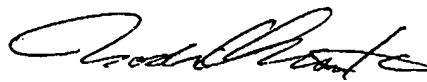
And I make this declaration conscientiously believing the statements contained herein to be true in every particular.

Tokyo, Japan

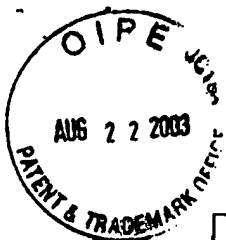
Place

August 22, 2003

Date



(Signature of Translator)



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<p align="center"><b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b></p>	<i>Application Number</i>	10/088,494
	<i>Filing Date</i>	March 27, 2002
	<i>First Named Inventor</i>	Susumu Shimizu et al.
	<i>Group Art Unit</i>	1742
	<i>Examiner Name</i>	D. YEE
	<i>Attorney Docket Number</i>	2922-0125
<p><i>Title of the Invention: PRECIOUS METAL BASED AMORPHOUS ALLOYS</i></p>		

**DECLARATION UNDER 37 C.F.R. § 1.132**

We, Susumu Shimizu, Kenya Mori and Shigeo Shioda, declare as follows:

1. We are the inventors of claims 1-4 of the above-identified U.S. patent application.
2. We are all employed by Tanaka Kikinzoku Kogyo K.K. ("Tanaka").
3. Under our employment agreement, an invention made during the course of our employment at Tanaka is subject to assignment to Tanaka. Accordingly, the claimed invention was automatically assigned to our employer, Tanaka, under the employment agreement between Tanaka and each of us.
4. We have carefully reviewed the April 24, 2003 Office Action and understood that claim 2 was rejected under 35 U.S.C. §102(b) by Miyagawa *et al.*, "Amorphous Kikinzoku Sozai no Chuuzou Jouken to Jitsuyou-kani Kansuru Kenkyuu," Yamanashi-ken, Kogyo Gijutsu Center Kenkyuu, No. 13, pp 111-114 (2000) ("Miyagawa"). It is our understanding that the Office

Action asserts that the amorphous precious metal alloy described in Table 1 of Miyagawa meets all the limitations of the composition of claim 2.

5. However, the amorphous precious metal alloy disclosed in Miyagawa is a description of our own invention. Our employer, Tanaka, manufactured the amorphous precious metal alloy based on our invention, and supplied such alloy to Yamanashi-ken Kogyo Gijutsu Center ("Yamanashi-ken") where the experiment disclosed in Miyagawa was conducted.
6. This is evidenced by the accompanying English translations of the relevant disclosure of Miyagawa, and of the receipt that Yamanashi-ken issued to Tanaka, which are submitted herewith as Exhibits A and B, respectively.
7. Exhibit A clearly identifies that the amorphous precious metal alloy described in Table 1 was manufactured by our employer, Tanaka. Exhibit B is an English translation of the receipt that Yamanashi-ken issued when Tanaka had supplied the amorphous precious metal alloy described in Table 1 for the experiment of the Miyagawa reference. Thus, Exhibits A and B clearly and sufficiently establish that the amorphous precious metal alloy of Table 1 is our own work supplied by our employer to Yamanashi-ken for the experiment described in Miyagawa.
8. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the

application or any patent issuing thereon.

Date: Aug 21 2003

Signature: Susumu Shimizu  
Susumu Shimizu

Date: Aug 21 2003

Signature: Kenya Mori  
Kenya Mori

Date: Aug 21 2003

Signature: Shigeo Shioda  
Shigeo Shioda

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